

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

SUSAN CIVIC,

Case No.: 6:19-bk-03468-KSJ
Chapter: 7

Debtor.

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**CENLAR FSB'S MOTION FOR RELIEF FROM AUTOMATIC STAY TO
ENFORCE FINAL JUDGMENT OF FORECLOSURE**

NOTICE OF OPPORTUNITY TO OBJECT AND REQUEST FOR HEARING

Pursuant to Local Rule 2002-4, the Court will consider the relief requested in this paper without further notice or hearing unless a party in interest files a response within 21 days from the date set forth on the proof of service, plus an additional three days for service if any party was served by U.S. Mail.

If you object to the relief requested in this paper, you must file your response with the Clerk of the Court at 400 W. Washington Street, Suite 5100, Orlando, FL 32801 and serve a copy on the movant's attorney, McCalla Raymer Leibert Pierce, LLC, 110 S.E. 6th Street, Suite 2400, Ft. Lauderdale, FL 33301, and any other appropriate persons within the time allowed. If you file and serve a response within the time permitted, the Court may schedule and notify you of a hearing, or the Court may consider the response and may grant or deny the relief requested without a hearing.

If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

CENLAR FSB (the "Secured Creditor"), its successors and/or assigns, as a secured creditor of the bankruptcy estate of Susan Civic (the "Debtor"), seeks relief from the automatic stay pursuant to 11 U.S.C. § 362(d), and in support thereof, states as follows:

1. Debtor's Bankruptcy Case. On May 25, 2019, the Debtor filed the above-captioned Chapter 7 bankruptcy case.
2. Jurisdiction. Jurisdiction of this matter is properly before this Court pursuant to

28 U.S.C. § 1334 and Rule 4001(a) of the Federal Rules of Bankruptcy Procedure.

3. Foreclosure Proceedings. As a result of the Debtor's failure to make the monthly payments due under the note and mortgage, Secured Creditor commenced a foreclosure action against the Debtor in the case captioned CENLAR FSB vs. DANIEL D. CIVIC and SUSAN CIVIC, et al., Case No. 35-2016-CA-000758, in the Fifth Judicial Circuit, in and for Lake County, Florida. On October 3, 2018, a Summary Final Judgment of Foreclosure ("Final Judgment") was entered in the amount of \$541,753.27. A copy of the Final Judgment is attached hereto as Exhibit A.

4. Collateral. The Final Judgment relates to real property ("Property") located at 40111 CR 452, Leesburg, Florida 34788 and further described as follows:

LOT 12, LAKES YALE WOODS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 29, PAGES 71 THROUGH 73, INCLUSIVE, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA. a/k/a 40111 CR 452, LEESBURG, FL 34788

5. Relief Requested. Secured Creditor requests the entry of an order modifying the automatic stay pursuant to 11 U.S.C. § 362(d) to permit Secured Creditor to enforce all of its in rem remedies against the Property pursuant to the Final Judgment. The requested relief should be granted for the following reasons:

- Debtor's Schedule reflect the Property value to be \$269,000.00;
- The Property has been claimed exempt by the Debtor;
- Since the instant case is a Chapter 7 bankruptcy, the Property is not necessary to an effective reorganization;
- Interest continues to accrue; and
- Property taxes continue to accrue.

6. Request for Attorney's Fees and Costs. Secured Creditor requests attorney's fees in the amount of \$350.00 and costs of \$181.00, as a result of filing the instant motion.

7. Request for Hearing in 30 Days. In the event a timely objection is filed in

response to the instant motion, Secured Creditor requests that a hearing be held within thirty (30) days.

8. Request for Waiver of 14-Day Stay of Relief. Secured Creditor requests that the 14 day stay, pursuant to Fed. R. Bankr. P. 4001(a)(3), be waived.

Wherefore, Secured Creditor requests the entry of an order modifying the automatic stay and for such other and further relief as the Court deems just and proper.

McCalla Raymer Leibert Pierce, LLC

By: /s/ Ashley Prager Popowitz
Ashley Prager Popowitz
Florida Bar No. 72341
Attorney for Creditor
110 S.E. 6th Street, Suite 2400
Ft. Lauderdale, FL 33301
Phone: 754.263.1065
Fax: 754.263.1065
Email: alp@mccallaraymer.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 26, 2019, a true and correct copy of the foregoing was served by U.S. Mail, First Class to Susan Civic, 40111 Creek 452, Leesburg, FL 34788; and those parties receiving CM/ECF service

Brad Bader
Arvind Mahendru
U.S. Trustee

By: */s/ Ashley Prager Popowitz*
Ashley Prager Popowitz